

Senate File 533

S-3321

Amend Senate File 533 as follows:

1. Page 33, after line 17 by inserting:

<DIVISION

AUTOMATED TRAFFIC ENFORCEMENT SYSTEMS

Sec. _____. Section 321.1, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 95. "*Automated traffic enforcement system*" means a device with one or more sensors working in conjunction with at least one of the following:

- a. An official traffic-control signal, to produce recorded images of motor vehicles entering an intersection against a flashing red light, steady circular red light, or a steady red arrow.
- b. An official traffic-control signal at a railroad grade crossing, as described in section 321.342, to produce recorded images of vehicles violating a flashing red or steady circular red light.
- c. A speed measuring device, to produce recorded images of motor vehicles travelling at a prohibited rate of speed.

Sec. _____. NEW SECTION. 321.5A Automated traffic enforcement systems.

The state or a local authority shall not use an automated traffic enforcement system except as provided in this section.

1. A local authority may by ordinance authorize the use of automated traffic enforcement systems to detect violations of posted speed limits or official traffic-control signals which constitute municipal or county infractions.

2. A local authority shall provide signage, in conformance with the uniform system adopted pursuant to section 321.252, giving notice of the use of an automated traffic enforcement system on the approach to each location where an automated traffic enforcement system is in use as follows:

a. A sign shall be posted on each road on the approach to the next traffic-control signal where an automated traffic enforcement system is in use.

b. A sign shall be posted on the approach to the next speed limit zone on a road where an automated traffic enforcement system is being used for speed limit enforcement.

c. A temporary sign shall be positioned or posted on the approach to each location where a mobile automated traffic enforcement system is being used for speed limit enforcement.

d. A temporary or permanent sign giving notice of the use of an automated traffic enforcement system for the enforcement of speed limits shall be positioned

1 or posted at a distance in advance of the automated
2 traffic enforcement system which, in relation to the
3 applicable speed limit, would provide adequate notice
4 to a motor vehicle operator travelling at the speed
5 limit before entering the range of the automated
6 traffic enforcement system.

7 3. Recorded images produced by an automated traffic
8 enforcement system evidencing a violation of a posted
9 speed limit or an official traffic-control signal
10 shall be reviewed by a peace officer of the local law
11 enforcement agency to affirm that a violation occurred
12 and the identity of the motor vehicle involved in the
13 violation. If following the officer's review, a notice
14 of a fine or citation is issued to the owner of the
15 motor vehicle involved in the violation, the following
16 requirements apply:

17 a. An affidavit bearing the written or electronic
18 signature of the peace officer shall be included on the
19 notice or citation.

20 b. The notice or citation shall contain a
21 statement, in bold type, regarding the process for
22 appealing the fine.

23 c. The notice or citation shall be sent by ordinary
24 mail to the owner of the motor vehicle involved not
25 more than thirty days following the incident giving
26 rise to the notice of a fine or citation, as evidenced
27 by the postmark.

28 4. A local authority shall not charge the owner
29 of a motor vehicle administrative costs in addition
30 to any civil penalty imposed for a violation detected
31 by an automated traffic enforcement system. Civil
32 penalties imposed for such violations shall not exceed
33 the following amounts:

34 a. For a violation of an official traffic-control
35 signal, fifty dollars.

36 b. For a violation of a speed limit, the amount
37 of the fine established in section 805.8A for an
38 equivalent speeding violation charged as a scheduled
39 violation, subject to the limitation established in
40 section 331.302, subsection 2, for violation of a
41 county ordinance, or the limitation established in
42 section 364.3, subsection 2, for violation of a city
43 ordinance.

44 5. A local authority that uses an automated traffic
45 enforcement system shall file annually with the
46 department of public safety a report comparing the type
47 and rate of accidents that occurred at each location
48 where an automated traffic enforcement system was
49 employed during the previous year to the type and rate
50 of accidents at the same location during the previous

1 consecutive year. The report shall be kept on file and
2 used by the governing body of the local authority in
3 evaluating the effectiveness of the automated traffic
4 enforcement program in improving public safety.

5 Sec. _____. EXISTING AUTOMATED TRAFFIC
6 ENFORCEMENT SYSTEMS — VALIDITY OF PRIOR NOTICES
7 AND CITATIONS. Notices mailed or citations issued
8 of violations committed prior to the effective date
9 of this division of this Act, pursuant to a local
10 ordinance authorizing the use of an automated traffic
11 enforcement system, shall not be invalidated by the
12 enactment of this division of this Act and shall be
13 processed according to the provisions of the law under
14 which they were authorized.>

15 2. By renumbering as necessary.

BRAD ZAUN